

Agreement with the SRCCandidates/ShackvilleTRC and other student formations:

Higher education in our country is at a cross-roads. There are national issues, particularly related to fees, access and affordability, that need to be resolved as a matter of urgency. At UCT we have our own particular challenges that we need to address alongside these national issues related broadly to questions of transformation, decolonization, curriculum change, institutional culture, names of buildings and symbols, rape culture and gender identities.

Our University has further been characterized by ongoing protests related to these issues which have resulted in interdicts, suspensions, expulsions, arrests, the use of private security and police action.

The 2015 academic year was put into jeopardy and there are concerns that the 2016 academic year will also be compromised.

The executive and students have been in ongoing negotiations to find a way forward.

From the side of management, we believe that there is sufficient common ground for us to reach agreement on a set of principles which can break the deadlock and move the university forward in the best interests of all the constituencies.

Agreement on these principles can lead to a de-escalation of the tensions, end the cycle of protests and counter-actions, limit the need for private security and create the conditions where the 2016 academic year can still be completed by all students. Such an agreement can also provide the framework for solutions to the longer term challenges that the university faces that can lead to the emergence of a new, inclusive identity in a transformed, decolonized UCT.

Towards this end, the executive offers the following to the SRCCandidates/ShackvilleTRC/Other student formations as the basis of an agreement:

1. Clemency and executive accountability

a) In the spirit of restorative justice that takes into account the prevailing context of student protest at UCT and nationally, and to ensure the successful completion of the 2016 academic year, and understanding that the rights to protest as outlined in the Constitution are protected, clemency is granted on the basis of the following principles:

- i) signing a declaration (attached) by specific individual students who have been subject to Student Disciplinary Tribunals that will provide clemency for specific offences which relate to the protests around February 2016
 - ii) formally acknowledging wrong-doing and committing not to repeat such actions in the future by those granted clemency
 - iii) accepting that if the student is in breach of the Student Code of Conduct after November 6 2016, the University shall be entitled to charge the student as provided for in the University's student disciplinary procedures.
 - iv) agreeing that if there are disruptions of exams, academic activities, the residence system (inclusive of the dining halls and other recreational spaces) or the normal functioning of the university, and where no clear evidence is demonstrated that concerted efforts were taken to prevent such actions, the University may approach the mediators to request revoking the clemency.
 - v) understanding that the IRTC/Shackville TRC will request submissions from all constituencies on the clemencies granted and make recommendations on the granting of amnesties (or the continuation of clemency) and what the nature of these amnesties will be.
- b) The University Executive, Chief Investigating Officer and Shackville TRC will make available to the IRTC/Shackville TRC a full list of pending internal and external charges against students related to student protest action up until November 6.
- c) A moratorium on disciplinary tribunals relating to the list of cases pending the recommendations of the IRTC/Shackville TRC on acceptable forms of protests and appropriate disciplinary procedures and sanctions by the university. The IRTC/Shackville TRC will make recommendations on how to deal with each outstanding case in the spirit of restorative justice.
- d) The executive will also subject its actions to investigation and recommendations by the IRTC/Shackville TRC and respect the outcome of this process.

2. Institutional Reconciliation and Transformation Commission/Shackville TRC

- a) On the basis of the agreement reached on commissioners (some of whom have already indicated their willingness to serve on this commission) UCT will establish the IRTC/Shackville TRC with immediate effect.
- b) The commissioners will immediately begin consulting with the various stakeholders to determine the terms of reference, which need to be in place no later than two weeks after they begin their work. Without limiting the terms of reference, the IRTC/Shackville TRC will:
 - i) look into what is referred to as the 'Shackville protests' of February 2016, including any related and subsequent protest actions
 - ii) invite submissions from all constituencies on the amnesties granted and make recommendations on how the University should deal with such matters in the future
 - iii) make recommendations on institutional culture, transformation, decolonization, discrimination, identity, disability and any other matters that the university community has raised over the past 18 months or may wish to raise.
- c) The university will host university-wide meetings/seminars to launch the IRTC/Shackville TRC process. These meetings/seminars will be led by skilled external facilitators with the purpose of explaining the origins and role of the IRTC/Shackville TRC process and the principles of restorative justice.

3. A coherent policy on funding higher education and advocacy for free decolonised education:

- i) Support for investigating the principle and implementation possibilities of fee-free higher education (recognizing that there may be competing views and solutions and that the university may not settle on a single consensus position). The executive has expressed in principle support for the ideal of fee-free higher education while recognising that the details – time frames, relationship to macro-economic factors, coverage, implementation and sustainability need investigation.
- ii) A commitment to further dialogue and action, to examine the possibility and implications of fee-free higher education. An initiative along these lines in the School of Economics is starting and includes a representative nominated by the SRC Candidates group. All parties and individuals interested in participating in this program will immediately be invited to contribute. The University will also support a formal ongoing research program into the economic policy framework for higher education. The University will find resources to establish a dedicated unit to function, including engaging in debates and lobbying at national level. It will ensure that its influence on national policy is used to ensure all positions are heard and properly considered.
- iii) The UCT Executive and Council will work with the leadership of all universities and student formations to engage government to fund appropriately the higher

education sector. We also call on government to begin implementation in 2017 of a financial aid system that will reduce the effective costs of study for missing middle students. The Executive will further make clear that the submission made to the Fees Commission represented the position of the UCT Executive and that there are many other positions on fees which need to be acknowledged.

- iv) Support in principle for the call to decolonise the university's institutional culture and the curricula and other matters brought forward, while recognising that decoloniality is not understood in the same way by all, and therefore its interpretation will have different connotations especially across faculties.
- v) Putting in place programs, activities and timeframes on how the concept of decolonization can be approached by the university community as a whole
- vi) A commitment to bringing the university community into conversation about these issues, listening deeply, accepting that there is a problem that needs addressing by us all.

4. Financial exclusions and fee-blocks

Note: this applies to undergraduate students but the question of fee-blocks for post-graduate students will be investigated by management as soon as possible.

- i) The executive commits to the principle that as far as possible students on financial aid and/or eligible for financial aid (inclusive of GAP students) who are academically eligible to graduate or to progress to the next academic year of study, but who are prevented from doing so due to affordability, will be allowed to graduate or progress. These students will have rights as any other student.
- ii) The executive further commits to identifying policy changes that could reduce financial exclusions by continually engaging with stakeholders. Where these policies arise from outside UCT, such as the NSFAS rules, if on review we disagree with these rules, we will join students in advocating for these rules to be changed.
- iii) We will actively seek donor funds to cover the outstanding fees of those that NSFAS cannot cover, where such debt is impeding graduation or progression to the next year of study.
- iv) If there are degrees that are currently withheld for financial reasons, the University undertakes to release these degrees for economically marginalised and poor students on the understanding that there will be a commitment to repay this debt.

5. Completion of the 2016 academic year:

- i) The decision to restart the academic program with a limited opening of the university and a blended/online learning program on October 17 was a response by the executive to a crisis situation.
- ii) There are many students, and in particular final year students, who need to write their final exams before the end of the year for a variety of reasons, including job offers, career decisions, rental leases. Not providing an opportunity for students who want to write their exams would have serious and long-lasting consequences, including dire financial consequences for the university.

- iii) No student will be forced to write in November or be prejudiced for opting to write the deferred exams. Writing the November exams will be on a completely voluntary basis.
- iv) The executive recognizes that these are not ideal conditions and that there are students who will be adversely affected by the limited opening and blended/online learning program
- v) The university has therefore committed to a full deferred exam program in January 2017 including, but not limited to, mini-teaching semesters, consolidation phases and the availability of lecturers and tutors where possible to ensure that students who chose not to write at the end of the year are given the best possible opportunities to be successful in January 2017.
- vi) In recognition of the difficult conditions under which the academic year proceeded, including the presence of private security, suspension of face-to-face classes, and intermittent shutdowns, the executive also commits to working with faculties to put in place mechanisms and programs which will improve the prospects of academic success of all students.
- vii) The university will put in place plans for the use of the residences, food and transport arrangements which will ensure that students in need who chose to write the deferred examinations are not placed in an adverse financial position
- viii) An online facility will be provided which students can access which will enable those who qualify financially to secure a place in the residences for the period of the deferred exams, mini-semesters and consolidation phase.
- ix) An online facility will also be provided for those students who qualify financially to make arrangements with the university for travel as a result of them writing the deferred exams and attending the mini-semesters and consolidation period.

6. The use of private security and police in managing protests

The Council has already appointed a committee jointly with the Institutional Forum to develop a protocol for the use of private security. This committee will solicit views from all stakeholders in formulating a protocol and consult on the proposed protocol before submitting it to Council. It is envisaged the draft should be complete by year end. In the interim, if an agreement is reached on these principles which leads to a de-escalation of conflict, the executive is open to removing private security as soon as possible.

Establishment of Rapid Response Task Team

The executive commits to constructively engage with the Shackville TRC and other student formations for the effective implementation and operationalization of this agreement.

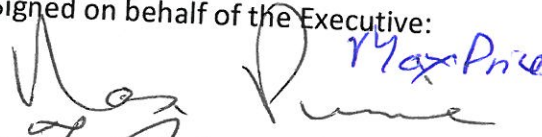
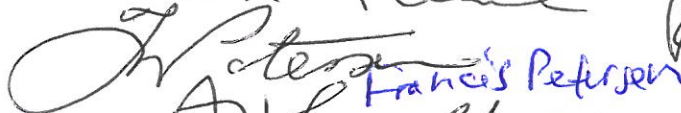

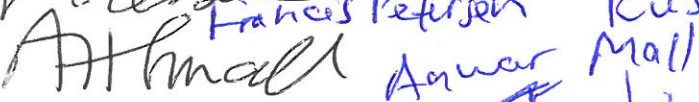
The executive further commits to the immediate setting up of a Rapid Response Task Team made up of representatives of the executive task team and representatives of the student

formations to monitor the implementation of this agreement and to ensure that any obstacles that may impede the implementation of this agreement are removed as a matter of priority.

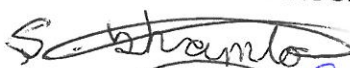
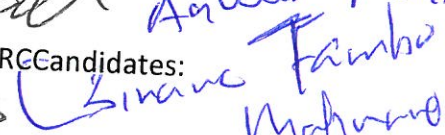

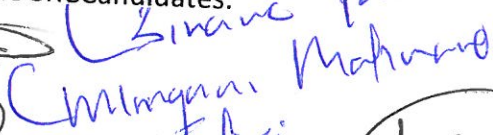


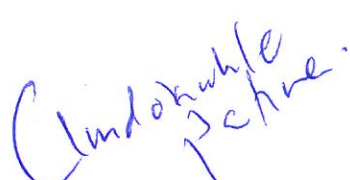




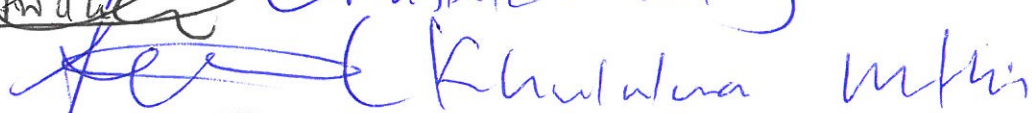
Status of the Agreement:

The agreement is signed by the executive and SRC Candidates/Shackville TRC. The parties agree that the mediators to this agreement will oversee its implementation and be called upon to adjudicate if any party to the agreement believes that there have been any violations. The mediators will recommend what processes are to be followed in any such instances.


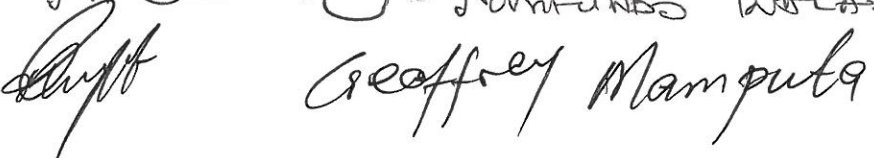
Signed on behalf of the Executive:

 Max Price
 Francis Petersen
 Russell Alb
 Anwar Mall

Signed on behalf of the SRC Candidates:

 S. Shamba
 Luvane Famba
 J. Awi
 Mlungu Mahuru
 Zuko Fekai
 M. D. S.
 Lindokuhle Phele
 C. Mkhabela
 S. C. Baye
 P. B. Mkhomo
 M. M. Mkhomo
 M. M. Mkhomo

Mediators:

 Nomfundo Wolaza
 Geoffrey Mampule